

## **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1-8, 10-12, 14, and 16-22 have been amended and claims 13, 15, 23-25 have been canceled. New claims 32-35 are presented. Accordingly, claims 1-12, 14, 16-22, 26-35 are pending.

Claims 1-12, 14, 16-22 and 26-31 stand rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention.

This amendment amends the specification and Figures 2A-2D to more clearly indicate that each sequential valve includes an opening larger than the previous valve. *[See originally filed specification Paragraph [7]; claims 11 and 22; and Figure 3.]* No new matter has been added as such a construction was properly described in paragraph [7]. When the specification and drawings are taken as a whole, the subject matter was described in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention. Any such skilled person is enabled to make and use the invention following the teaching within the specification of the application.

The Examiner's continued suggestion that the phrase "comprising an inlet to a mixer section and an outlet from said mixer section", which was added in the amendment filed 07 January 2003, is considered "new matter" simply cannot be sustained. In fact, such a rejection was specifically refuted by the BPAI. The full paragraph to which the Examiner refers at page 5 is as follows:

*The Examiner's position here is unsound.* Even accepting the examiner's conjecture that mixing could take place in Larsen's steam supply pipe 5, a person of ordinary skill in the art would not view this pipe as a mix head of the sort recited, *however broadly*, in claim 1.

[BPAI decision on Appeal Mailed June 10, 2005; emphasis added]

In reversing the 35 U.S.C. §102(b) rejection, the Board here found that although the claim may be broad, a person of ordinary skill in the art would not view the *Larsen pipe as a mix head of*

*the sort recited.* The Board thereby essentially admits that Applicant's recitation was clear enough such that a person of ordinary skill in the art could distinguish the claimed mix head from that of the *Larsen* reference. As the Examiner implies only that a mix head comprising an inlet to a mixer section and an outlet from said mixer section is new matter, the Examiner is attempting to suggest that such a limitation has not been disclosed. This simply cannot be sustained. In fact, the BPAI decision has already refuted such a contention.

Applicant directs the Examiner to paragraphs 18-20 and Figures 1A-1B within the original disclosure. The first sentence of paragraph 18 recites: "The mix head assembly 22 thoroughly mixes the fluid material from the feed assembly 14 and injects the final mixture into a mold assembly 23 or the like." The mix head assembly 22 therefore inherently has an inlet and an outlet between which the fluid material is mixed. The limitation a mix head comprising an inlet to a mixer section and an outlet from said mixer section cannot be new matter. Applicant respectfully requests reconsideration of this "new matter" rejection.

Finally, the Examiner had previously withdrawn these same rejections under section 112, first paragraph and second paragraph in the Examiner's answer mailed 27 May 2004 page 3. Thus, the Examiner withdrew these rejections subsequent to an appeal conference, lost on appeal before the BPAI, and then thereafter reinstated these previously withdrawn rejections. The Examiner's position with regard to these rejections is untenable, and Applicant requests reconsideration.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by *Wagner* (4774059). Applicant respectfully traverses this rejection. *Wagner* discloses

During the following or mixing phase, the valves 6 and 7 are closed, valves 15a and 15b are opened, the piston of the mixing chamber is withdrawn at least in part, and the metering pistons of the two units 3 and 4 are displaced to drive the respective components via lines 10 and 11 into the mixing head from the which the mixture a+b is discharged at 14 into a mold cavity in the manner described in the aforementioned patent.

[*Wagner col 4, lines 38-45*]

That is, when the valves 6 and 7 are closed, valves 15a and 15b are opened and vice versa. This allows the metering pistons of the two units 3 and 4 to operate. The valves 6,7 can not be opened (or closed) at the same time as valves 15a, 15b as this would render the units 3, 4 located therebetween useless. In other words, ducts 8, 10 and 9, 11 would become a single continuous conduit. *Wagner* fails to disclose or suggest a plurality of adjacent sequentially activatable

valves in communication with said passage to selectively suppress a flow of fluid through said passage as the valves 6, 15a and 7, 15, b are separated by the units 3, 4. The claims are properly allowable.

The remaining 35 U.S.C. §103(a) rejections each utilize *Wagner (4774059)* as the primary reference. These rejections therefore fail as none of the secondary reference correct the failure of *Wagner (4774059)* described above. The claims are properly allowable.

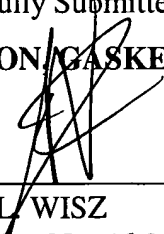
New claims 32-35 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

The amendments made to the specification and the claims are not connected in any way to any rejection in this application.

Please charge \$200 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for 4 claims in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**



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